

retary of the department in which the Coast Guard is operating shall notify the master of such vessel that the vessel may not enter or operate in the navigable waters of the United States or transfer cargo in any port or place under the jurisdiction of the United States, unless—

(1) the Secretary of State has made a determination under subsection (a)(2); or

(2) the Secretary of the department in which the Coast Guard is operating allows provisional entry of the vessel, or transfer of cargo from the vessel, under subsection (f).

(f) **PROVISIONAL ENTRY OR CARGO TRANSFER.**—Notwithstanding any other provision of this section, the Secretary of the department in which the Coast Guard is operating may allow provisional entry of, or transfer of cargo from, a vessel, if such entry or transfer is necessary for the safety of the vessel or persons aboard.

(g) **RIGHT OF INNOCENT PASSAGE AND RIGHT OF TRANSIT PASSAGE.**—This section shall not be construed as authority to restrict the right of innocent passage or the right of transit passage as recognized under international law.

(Added and amended Pub. L. 116–283, div. G, title LVXXXV [LXXXV], §8508(1), Jan. 1, 2021, 134 Stat. 4755.)

#### Editorial Notes

##### REFERENCES IN TEXT

Sections 3 and 205(a)(1)(A) of the North Korea Sanctions and Policy Enhancement Act of 2016, referred to in subsecs. (a)(2)(A)(i)(I) and (c)(1)(B), (C), are classified to sections 9202 and 9225(a)(1)(A), respectively, of Title 22, Foreign Relations and Intercourse.

##### CODIFICATION

Section, as added and amended by Pub. L. 116–283, is based on section 16 of Pub. L. 92–340, as added Pub. L. 115–44, title III, §315(a), Aug. 2, 2017, 131 Stat. 948, which was formerly classified to section 1232c of Title 33, Navigation and Navigable Waters, repealed by Pub. L. 115–282, title IV, §402(e), Dec. 4, 2018, 132 Stat. 4264, then transferred to this title and renumbered as this section effective upon the enactment of such Pub. L. 115–282 and notwithstanding such repeal.

##### AMENDMENTS

2021—Pub. L. 116–283, §8508(1)(A), transferred section 16 of Pub. L. 92–340 to this title and renumbered it as this section. See Codification note above.

Subsec. (b). Pub. L. 116–283, §8508(1)(B)(i), substituted “section 70001(a)(5)” for “section 4(a)(5)” in introductory provisions.

Subsec. (c)(2). Pub. L. 116–283, §8508(1)(B)(ii), substituted “periodically” for “not later than 180 days after the date of the enactment of this section, and periodically thereafter.”

Subsec. (e). Pub. L. 116–283, §8508(1)(B)(i), substituted “section 70001(a)(5)” for “section 4(a)(5)” in introductory provisions.

Subsec. (h). Pub. L. 116–283, §8508(1)(B)(iii), struck out subsec. (h). Text read as follows: “In this section, the term ‘foreign vessel’ has the meaning given that term in section 110 of title 46, United States Code.”

#### SUBCHAPTER IV—DEFINITIONS, REGULATIONS, ENFORCEMENT, INVESTIGATORY POWERS, APPLICABILITY

### § 70031. Definitions

As used in subchapters I through III and this subchapter, unless the context otherwise requires:

(1) The term “marine environment” means—  
(A) the navigable waters of the United States and the land and resources therein and thereunder;

(B) the waters and fishery resources of any area over which the United States asserts exclusive fishery management authority;

(C) the seabed and subsoil of the Outer Continental Shelf of the United States, the resources thereof, and the waters superjacent thereto; and

(D) the recreational, economic, and scenic values of such waters and resources.

(2) The term “Secretary” means the Secretary of the department in which the Coast Guard is operating, except that such term means the Secretary of Transportation with respect to the application of this chapter to the Saint Lawrence Seaway.

(3) The term “navigable waters of the United States” includes all waters of the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.

(Added Pub. L. 115–282, title IV, §401(a), Dec. 4, 2018, 132 Stat. 4261; amended Pub. L. 116–283, div. G, title LVXXXV [LXXXV], §8507(a)(4), Jan. 1, 2021, 134 Stat. 4753.)

#### Editorial Notes

##### REFERENCES IN TEXT

Presidential Proclamation No. 5928, referred to in par. (3), is set out under section 1331 of Title 43, Public Lands.

##### AMENDMENTS

2021—Pub. L. 116–283 substituted “I through III” for “A through C” in introductory provisions.

### § 70032. Saint Lawrence Seaway

The authority granted to the Secretary under sections 70001, 70002, 70003, 70004, and 70011 may not be delegated with respect to the Saint Lawrence Seaway to any agency other than the Great Lakes St. Lawrence Seaway Development Corporation. Any other authority granted the Secretary under subchapters I through III and this subchapter shall be delegated by the Secretary to the Great Lakes St. Lawrence Seaway Development Corporation to the extent the Secretary determines such delegation is necessary for the proper operation of the Saint Lawrence Seaway.

(Added Pub. L. 115–282, title IV, §401(a), Dec. 4, 2018, 132 Stat. 4261; amended Pub. L. 116–260, div. AA, title V, §512(c)(6)(F), Dec. 27, 2020, 134 Stat. 2757; Pub. L. 116–283, div. G, title LVXXXV [LXXXV], §8507(a)(5), Jan. 1, 2021, 134 Stat. 4753.)

#### Editorial Notes

##### AMENDMENTS

2021—Pub. L. 116–283 substituted “I through III” for “A through C”.

2020—Pub. L. 116–260 substituted “Great Lakes St. Lawrence Seaway Development Corporation” for “Saint Lawrence Seaway Development Corporation” in two places.